IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 531 of 2005(L)

PETITIONER:

DR.SAJEEV SAMUEL ROSE, S/O. SAM,
AGED 46, RESIDING AT 312(A), GANDHI NAGAR,
THYCAUD, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

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1. **KERALA LOK AYUKTA, REPRESENTED BY ITS SECRETARY, LEGISLATIVE COMPLEX, TRIVANDRUM.**

2. **STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVT., HIGHER EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

3. **THE CONTROLLER OF EXAMINATIONS, MAHATMA GANDHI UNIVERSITY, KOTTAYAM.**

4. **THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, TRIVANDRUM.**

BY ADV. SRI.V.K.MUHAMMAD YOUSUF, SC, M.G.UTY. - R3
BY GOVERNMENT PLEADER SMT. DEEPA - R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.531/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.20.10.04 IN COMPLAINT NO.558/04 OF THE LOK AYUKTA.

EXT.P2:- COPY OF THE REVIEW PETITION SUBMITTED BY THE PETITIONER BEFORE THE KERALA LOK AYUKTA.

EXT.P3:- COPY OF THE ORDER DT.17.1.04 IN IA 385/04 IN COMPLAINT NO.558/04 OF THE KERALA LOK AYUKTA.

EXT.P4:- COPY OF THE AFFIDAVIT AND PETITION FILED BY THE PETITIONER IN COMPLAINT NO.558/04 BEFORE THE KERALA LOK AYUKTA.

EXT.P5:- COPY OF THE STATEMENT FILED BY THE PETITIONER IN COMPLAINT NO.558/04 BEFORE THE KERALA LOK AYUKTA.

EXT.P5(a):- COPY OF THE STATEMENT DT.5.10/04 BY THE PETITIONER IN COMPLAINT NO.558/04 BEFORE THE KERALA LOK AYUKTA.

EXT.P6:- COPY OF THE BOOK CURRENT DEBATES.

EXT.P7:- COPY OF THE BOOK POETIC MUSINGS.

EXT.P8:- COPY OF THE LETTER DO. NO.E/XI DT.21.1.04 SENT TO THE PETITIONER.

EXT.P9:- COPY OF THE INSTRUCTIONS RECEIVED BY THIS PETITIONER.

EXT.P10:- COPY OF THE LETTER DT.7.10.04 SENT BY THE CONTROLLER OF EXAMINATION TO THE PETITIONER.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P.(C) No.531 of 2005

Dated 28th March, 2007.

J U D G M E N T

Challenge is on the order passed by the first respondent in a suo motu proceedings against the petitioner. It is evident from the proceedings that the first respondent acted on the basis of news paper reports. The first respondent has no jurisdiction to initiate such suo motu action, is now settled by the bench decision of this Court in **Ramachandran Master v. Kerala Lok Ayukta** (2006(4) KLT 166). The impugned proceedings are hence quashed. However, it is made clear that the judgment shall not stand in the way of the respondents taking appropriate action in accordance with law, if required.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th March, 2007.